

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
adoption of NEW RULE I and)	ON PROPOSED ADOPTION AND
amendment of ARM 10.57.102 and)	AMENDMENT
10.57.201 relating to Class 8 licensure)	

TO: All Concerned Persons

1. On August 26, 2008 at 1:30 p.m. a public hearing will be held in the OCHE conference room at 46 North Last Chance Gulch, Helena, Montana, to consider the adoption and amendment of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 12, 2008, to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@montana.edu.

3. The proposed new rule provides as follows:

NEW RULE I CLASS 8 DUAL CREDIT-ONLY POSTSECONDARY FACULTY LICENSE (1) A faculty member of a postsecondary institution is required to hold a Class 8 dual credit license, unless already licensed Class 1, 2, or 4 and properly endorsed, whenever a faculty member is teaching a course for which one or more students will earn both high school and college credit.

(2) The license is valid for five years:

(a) as long as the license holder is a faculty member of a regionally accredited postsecondary institution;

(b) only for the delivery of courses that fall within an endorsable major or minor, or the equivalent, held by the faculty member; and

(c) only when teaching dual credit courses within the role and scope of their duties assigned by the employing secondary institution.

(3) To obtain a Class 8 dual credit-only postsecondary faculty license, an applicant shall provide the following:

(a) Verification of faculty employment from the Chief Academic Officer or an appropriate official of the employing regionally accredited postsecondary institution that the Class 8 licensure applicant meets the definition in ARM 10.57.102(10) in their role of teaching a dual credit course at a regionally accredited postsecondary institution; and

(b) Recommendation from the appropriate official from a Montana or NCATE accredited professional educator preparation program stating all of the following:

(i) Applicant has earned a major or minor or the equivalent in one of the endorsable teaching areas as set forth in ARM 10.57.301; and

(ii) Applicant is competent, pursuant to ARM 10.58.501, as demonstrated by the applicant's satisfaction of criteria set forth in a rubric developed and published by the Superintendent of Public Instruction in consultation with K-12 education and higher education; and

(c) Compliance with all other nonacademic requirements for licensure as required by 20-4-104, MCA, ARM 10.57.201(4), and 10.57.201A.

(4) A Class 8 dual credit-only postsecondary faculty license shall be renewed pursuant to the requirements of ARM 10.57.215.

(5) A Class 8 license shall not be valid unless the licensee is in an employment relationship with a regionally accredited postsecondary institution.

AUTH: 20-4-102, MCA

IMP: 20-4-106, 20-4-108, MCA

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) through (9) remain the same.

(10) "Dual credit-only postsecondary faculty" means:

(a) Qualified faculty employed by a regionally accredited postsecondary institution who:

(i) meet all qualifications for faculty set forth by the Montana Board of Regents or the regional accreditation organization, and the employing institution; and

(ii) have entered into a contractual employment relationship with the employing institution to assume formal teaching responsibilities for the course offered for dual credit.

(b) The regionally accredited postsecondary institution shall have hired the applicant through a process that includes all of the following:

(i) reference checks;

(ii) verification of the educational attainment level and experience appropriate and required for the discipline and the institution; and

(iii) compliance with the prevailing institution, system, and state policies, regulations, and laws.

(c) In addition to any postsecondary teaching assignments, an individual licensed as a dual credit-only postsecondary faculty pursuant to [NEW RULE I] is limited to teaching dual credit courses in their endorsed area to Montana high school students.

(10) through (20) remain the same but are renumbered (11) through (21).

AUTH: 20-4-102, MCA

IMP: 20-4-106, MCA

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES (1) through (3) remain the same.

(4) Applicants for initial Class 8 dual credit-only postsecondary faculty

licensure shall meet requirements of [NEW RULE I].

(4) remains the same but is renumbered (5).

AUTH: 20-4-102, MCA

IMP: 20-4-103, MCA

5. Statement of reasonable necessity: The Board of Public Education has determined that it is reasonable and necessary to adopt New Rule I and amend ARM 10.57.102 and 10.57.201 to allow a faculty member of a postsecondary institution to teach a course for which one or more students earn both high school and college credit simultaneously. Further, these rules include language to keep the Board of Public Education's accreditation standards governing online learning contemporary with rapidly evolving online teaching.

6. Pursuant to the agreement between the Board of Public Education and the Legislature, the board does not anticipate any implementation costs, but shall request and report in its adoption notice any cost estimates received from districts during the hearing.

7. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@montana.edu and must be received no later than 5:00 p.m. on August 28, 2008.

8. Steve Meloy has been designated to preside over and conduct the hearing.

9. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

11. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Patty Myers

Patty Myers, Chairperson
Board of Public Education

/s/ Steve Meloy

Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State July 21, 2008.